

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/680,020 Confirmation No. 4737
 Applicants : Carroll et al.
 Filed : October 7, 2003
 Title: . SYSTEM AND METHOD FOR UPDATING
 MERCHANT PAYMENT DATA
 Art Unit : 3691
 Examiner : Campen, Kelly Scaggs
 Docket No. : 013647.00013
 Customer No. : 33649

Mail Stop: Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir

In response to the communication from the Examiner dated October 9, 2008, having a deadline for response expiring November 9, 2008, Applicants hereby elect Group I, with traverse. While the determination that the inventions are unrelated and are not obvious variations is not contested, the fact that these claims, which have been unamended except for the addition of claim 21 (which is included with claims 1-10 in Group I), have been searched and examined *twice* without any apparent *serious* burden having been imposed on the Examiner contradicts the new assertion that there would be a *serious* search and examination burden, by the Examiner's own actions. Imposition of a restriction requirement at this point would essentially mean that the Examiner has failed to perform a search and examination not once, but two times, and that is clearly contradicted by the record, which shows that the Examiner has in fact performed a search and examination not once, but two times. Accordingly, the restriction requirement should be withdrawn, or it will be necessary to petition the Director to request an

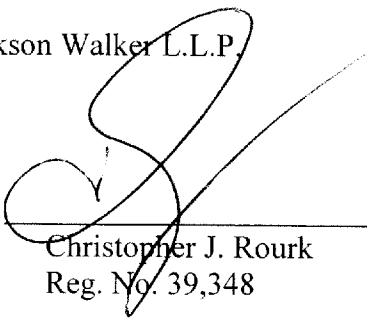
explanation of how the same claims that have been searched and examined twice could possibly present a *serious* burden for searching and examination so as to require restriction.

Dated: November 5, 2008

Respectfully submitted,

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By:



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